

V/.

# BY-LAWS

OF THE

## PRESBYTERIAN CHURCH

OF THE

### CITY OF CHARLESTON.

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PHILADELPHIA:

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1838.

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## AN ACT

FOR INCORPORATING DIVERS RELIGIOUS SOCIETIES THEREIN NAMED.

**Whereas**, by the constitution of this Preamble. state, passed the 19th day of March, 1778, it was declared, that all denominations of Christian Protestants should enjoy equal religious and civil privileges, and that whenever fifteen or more male persons, not under twenty-one years of age, professing the Christian protestant religion, and agreeing to unite themselves in a society for the purpose of religious worship, they should (on complying with the terms therein after mentioned) be constituted a church, and to be esteemed and regarded in law as of the established religion of the state, and, on a petition to the legislature, should be entitled to be incorporated, and to enjoy equal privileges.

**And whereas** the several societies of Christians, who call themselves by the name of the Lutheran Church of German Protestants; the Presbyterian Church of the City of Charleston; the Presbyterian Church on Edisto Island; the Presbyterian Church at Wilton in St. Paul's Parish; the Baptist Church on the High Hills of Santee; and the Presbyterian Congregational Church on Bullock's Creek, in Camden District; have petitioned the legis-

lature of this state, praying to be incorporated, and asserting they have complied with the terms required by the constitution, as preparatory thereto; and the allegations in the said petitions appearing to be true;

Enacted.

*Be it therefore enacted* by the Honourable the Senate and House of Representatives, now met and sitting in General Assembly, and by the

That the several societies before-mentioned, &c.

authority of the same, that the several respective societies above-mentioned, and the several persons who now are, or shall hereafter be members thereof respectively, and the successors, officers, and members of each of them,

Shall be declared to be one body corporate, by the name of, &c.

shall be, and they are hereby declared to be, severally, one body corporate, in deed, and in name, by the name of, and style of, the Lutheran Church of German Protestants; the Presbyterian Church of the City of Charleston; the Presbyterian Church on Edisto Island; the Presbyterian Church at Wilton, in St. Paul's Parish; the Baptist Church on the High Hills of Santee; and the Presbyterian Congregational Church on Bullock's Creek, in Camden District; and by the said several names, shall

And shall have a common seal, &c.

each have a perpetual succession of officers and members, and a common seal, with power to change, alter, break, and make new the same, as often as they, the said corporations, shall severally judge expedient.

Each of the said corporations shall be capable in

And each of the said corporations, and their several successors, shall be able and capable in law, to purchase, have, hold, receive, enjoy,

possess, and retain, to them severally, and their successors, in perpetuity, or for any term of years, any estate or estates, lands, tenements, or hereditaments, of what kind or nature soever; and to sell, alien, exchange, demise, or lease the same, or any part thereof, as they shall think proper, and by each of their said names to sue, and be sued, implead and be impleaded, answer and be answered unto, in any court of law or equity in this state, and to

law to purchase and retain any estates, real or personal, and to sell the same again.

make such rules and by-laws (not repugnant and contrary to the laws of the land) for the benefit and advantage of the said corporations severally, and for the order, rule, good government, and management of each corporation, and for the election of ministers, and their maintenance out of any funds belonging to such respective societies, for erecting and reparation of churches by each corporation, out of any of such funds, and ascertaining the rents which shall be paid by pew-holders, in such manner as shall be from time to time agreed upon by a majority of the members of each respective society.

May sue and be sued, &c.

Make By-Laws and Rules for their good government.

*And be it further enacted* by the authority aforesaid, that it shall and may be lawful for each corporation hereby erected, severally, to take and to hold, to them and their successors for ever, any charitable donations or devises, of lands and personal estates, and to appropriate the same for the benefit of each corporation, in such manner as may be determined by

May take any charitable donations and devises of lands, &c.

Appoint or  
displace  
their mi-  
nisters, &c.

a majority of the members thereof, and to appoint and choose, and to displace, remove, and supply such ministers, officers, servants, and other persons to be employed in the affairs of each corporation, and to appoint such salaries, perquisites, or other rewards, for their labour or service therein, as each corporation shall, from time to time approve of, and think fit.

To hold  
such other  
estate as  
they now  
possess, &c.

*And be it further enacted* by the authority aforesaid, that each corporation as aforesaid, shall be, and each of them is hereby declared able and capable in law, to have, hold and receive, enjoy, possess and retain, all such other estates, real and personal, money, goods, chattels and effects, which they are now possessed of, or are entitled unto, or which have been already given, devised, or bequeathed to either of them, by whatever name such devise or bequest may have been made.

This a  
public act.

*And be it further enacted* by the authority aforesaid, that this act shall be deemed and taken as a public act, and notice shall be taken thereof in all courts of justice, and elsewhere in this state, and shall be given in evidence on the trial of any issue or cause, without a special pleading.

*In the Senate House, the 26th day of March,  
1784, and in the 8th year of the Independence of the United States of America.*

JOHN LLOYD,

*President of the Senate.*

HUGH RUTLEDGE,

*Speaker of the House of Representatives.*

# BY-LAWS.

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## PREAMBLE.

Every association of men, either for civil or religious purposes, must be governed by certain known and established rules. Preamble.

Church government and discipline is a system of laws founded on the word of God and the usages of apostolic times, adopted for the regulation of any particular association of Christians.

The *Presbyterian Church of the City of Charleston* is constituted and governed according to the principles and tenets of the Presbyterian Church—but, as doubts may arise respecting these principles and tenets, the members of this Corporation, pursuant to the powers vested in them by *The Honourable the General Assembly of South Carolina*, in their act of incorporation, have agreed to ascertain and define the outlines of their government in the following By-Laws, which shall be binding upon all who are or may become members of this church.

## RULE I.

Every male white person not under twenty-one years of age, who associates with this Members of the corporation.



church for the purpose of worship, and has been a pew-holder for six months, and paid nine dollars pew-rent, and still continues a pew-holder, and has subscribed these By-Laws, shall be a member of this church and Corporation.

## RULE II.

Members  
of the  
Church.

Every white pew holder, who does not fulfil all the above conditions for admission into the Corporation, shall be a member of this church, but not of the Corporation.

## RULE III.

Sons of  
members of  
the Church.

The son or sons of any white person, who has been one year, and still continues to be a member of this church, and whose pew-rent is punctually paid, shall, on arriving at twenty-one years of age, and being a member or members of his or her household, worshipping regularly in this church, and subscribing these By-Laws, be a member or members of this Corporation.

## RULE IV.

Ministers.

The minister of this church shall always be one who has been or shall be ordained agreeably to the Presbyterian form—he shall be elected by a majority of all the members of the



Corporation. When he is duly elected, the session shall, in the name and by the authority of the Corporation, prepare and sign his call—and the minister elected, upon being regularly installed according to the Presbyterian form, shall be the minister of this church, and be entitled to, and enjoy all the privileges and emoluments, and perform all the duties of that office.

### RULE V.

The minister shall, for the use of the con- Record. gregation, keep, in an appropriate book, regular records of the marriages, births, and baptisms, and lay the same before every semi-annual meeting of the Corporation.

### RULE VI.

The elders of this church shall be ordained, Elders. and continue in perpetual succession, agreeably to the form of ordination in the Presbyterian Church, and chosen in the following manner: When the session deem it necessary to increase their number, or when they shall be reduced to six, they shall select from the communicants of the congregation, such a person or persons, as they shall think best qualified to fill the office of elder; and when they have obtained his or their consent, the minister shall announce from the pulpit, on the next day of

divine service, the name or names of the elder or elders nominated; and the day and place appointed by the session for their hearing any objections which might be made to the nomination; and if no objections are then made, or if objections are made, but not substantiated or deemed valid, the minister shall, on the next succeeding day of divine service in the church, or as soon after as may be convenient, publicly ordain the elder or elders, nominated agreeably to the form of the Presbyterian Church. And every elder so elected and ordained, shall be entitled to, and enjoy all the privileges and immunities, and perform all the duties of that office; and shall be a member of the session during life or good behaviour.

### RULE VII.

Session.

The session shall consist of the minister and elders, a majority of whom shall be competent to do business. The minister, when present, shall be chairman—in his absence they shall appoint a chairman pro tem. And they shall annually elect from their own body, a treasurer and secretary for the session.

### RULE VIII.

Ecclesiastical duties of Session.

The session shall have the management of all the ecclesiastical or spiritual affairs of the church. They shall watch over the interests

of religion, and see that the doctrines preached to this congregation are agreeable to the principles and tenets of the Presbyterian Church. In case of a vacancy, occasioned by the death or removal of the minister, they shall have the sole power, during the vacancy, of providing and admitting persons to preach in the church. They shall have full power to censure or depose any of the elders for improper conduct. They shall appoint the times of assembling for public worship, and for dispensing the sacrament of the Lord's Supper. They shall keep a regular list of the communicants of this church. They shall have full power of admitting persons to, or excluding them from, the ordinances of the Gospel. And in fine, they shall perform all the spiritual duties usually incumbent upon elders of the Presbyterian church.

### RULE IX.

The session shall appoint and receive collections. They shall receive all donations or legacies given to the poor of the church. The moneys arising from these and similar sources, shall constitute the session fund, to be disposed of by them for judicious charitable purposes; but no considerable appropriation shall be made by them without the vote of a majority of the members of the session. And the funds arising from burial fees, shall always be

Session  
fund.

subject to the control and disposal of the Corporation.

### RULE X.

Session  
Treasurer.

The treasurer of the session shall keep, in appropriate books, an exact account of the receipts and expenditures; he shall balance the books once every year, and lay them before the Corporation.

### RULE XI.

Session  
Secretary.

The secretary of the session shall, in an appropriate book, keep an exact record of the correspondence and proceedings of the session.

### RULE XII.

Regular  
meetings  
and ap-  
pointment  
of Corpor-  
ate officers.

A semi-annual meeting of the Corporation shall be held within the church, on the first Mondays of January and July in every year. At the January meeting a president, treasurer, secretary, clerk, and sexton, for the ensuing year, shall be elected by ballot. And the president elected shall nominate, for one year, six members of the congregation to form, with himself, a standing committee; and three members to form, with himself and the secretary, a committee of accounts; also, two members with himself to form a committee of the sinking fund;—and all vacancies in these committees may, as they occur, be supplied by the president.

## RULE XIII.

At the written request of the session, or of fifteen members of the corporation, or when the president thinks proper, he shall, or in his absence or default, the session or fifteen members may, call an extra meeting of the Corporation, by giving three days' previous notice, either in the church immediately after divine service, or in two of the gazettes.

## RULE XIV.

The president shall preside and preserve order at all meetings of the Corporation. He shall keep their corporate seal; and when authorised by them, he shall affix it to their acts and deeds;—he shall have no vote in their deliberations, except the deciding vote, when the members are equally divided. He shall continue in office for only one year in succession—and in his absence, a president pro tem. with the same privileges and duties, shall be elected.

## RULE XV.

The treasurer shall receive, and be accountable for all deeds, bonds, specialties, books of account, or moneys, belonging to the Corporation, excepting the money raised for the sinking fund, which shall be invested by,



and accounted for semi-annually, to the Corporation, by the committee on the sinking fund. He shall keep in their books of account regular entries of all their deeds, bonds, and other specialties in his possession, of all the moneys received and expended, excepting the money collected for the sinking fund, and of all the pew-holders of the Corporation. He shall pay no moneys, except the fixed salaries of the minister, clerk, and sexton, without the authorization of the standing committee, or of the Corporation. He shall let the pews agreeably to the established rules and assessments, and the houses or lots at the rents fixed by the standing committee. He shall collect all the moneys due to the Corporation. He shall follow all directions of the standing committee not inconsistent with these By-Laws, and submit all disputes about pews to their determination. He shall, about one week before each semi-annual meeting, submit to the standing committee an exact report of the pew-holders, and tenants of houses or lots, and the amount of arrears due by each individual: and upon his failure to make this report, he shall be liable to the Corporation for the amount lost by his neglect. He shall, in like manner, about one week before each semi-annual meeting, submit to the committee of accounts the Corporation's books of account, and an accurate statement of the receipts and expenditures of the preceding half year, together with the re-

quisite vouchers, and he shall lay the same, as often as required, before the Corporation. He shall be re-eligible to the office during the pleasure of the Corporation; and as a compensation for his services, he shall be entitled to receive such per centage as the Corporation may from time to time deem proper, on all moneys by him received or paid. For the faithful performance of his duties during his continuance in office, he shall give bond, with approved security, to the Corporation, in double the amount of all the specialties and moneys, which in the course of the year he may have in his possession. This bond shall be recorded in the secretary of state's office, and lodged with the president, together with a list of all the deeds, bonds, and other specialties in the custody of the treasurer.

## RULE XVI.

The secretary shall keep an exact list of the Secretary. members of the Corporation, in the order of their admission. He shall, at every corporate meeting, enter upon the journals of the Corporation, the names of the members present, a correct record of their proceedings, and of all the important papers, petitions, and documents submitted to their consideration; and preserve the originals in the archives of the Corporation—he shall read the journals of the proceedings, and the various papers laid be-



fore them. Upon a question being put to the Corporation, he shall, if necessary, number the votes and declare how it is decided. And he shall, if required by three members, enter in the journals the names of those voting in the affirmative and negative. He shall be re-eligible to the office during the pleasure of the Corporation.

### RULE XVII.

Sexton,  
his duty.

The sexton shall be elected annually at the meeting in January. He shall superintend the cleaning and lighting of the church; attend on funerals at the hour which the parties engaging his services may appoint, and see that the interment is conducted properly. He shall cause the church-yard to be kept in good order, and shall superintend the erection of monuments and head-stones in the same. He shall open no ground, nor allow any monuments or head-stones to be erected in the church-yard, without an order from the president of the church or some member of the standing committee. He shall collect the funeral dues, and account quarterly to the treasurer of the church for the money received; and he shall also keep a book of the interments as heretofore in this church.

### RULE XVIII.

Standing  
committee.

The standing committee shall superintend the secular concerns of the Corporation; fix

the house and land rents; order and inspect all requisite repairs; settle disputes about pews; allot burial places to pew-holders and strangers; order what contingent expenses shall be paid by the treasurer; direct him in any thing concerning his office, which they may think beneficial to the Corporation; audit, at the time before specified, his semi-annual report, and lay it, and a statement of their own transactions, before every semi-annual meeting. An appeal lies from their decision to the Corporation, and the committee shall make no extraordinary appropriation without the consent and approval of the Corporation.

### RULE XIX.

The committee of accounts shall, at the time before specified, examine the treasurer's book of accounts and vouchers, and make a full report thereon to every semi-annual meeting. *Provided always*, that if any member shall be dissatisfied with the report of the committee, on motion made and seconded, the books of account and vouchers shall be produced and examined by the Corporation.

Committee of Accounts.

### RULE XX.

No fewer than fifteen members shall form a quorum to do business—and the concurrent vote of a majority of all the members of the

What shall constitute a meeting.

Corporation shall be necessary to buy or sell property—to authorise the president to affix the corporate seal to their acts and deeds—to increase or diminish the pew assessments—to place or displace a minister—to make a new by-law, or to alter a by-law already established.

### RULE XXI.

Order at  
meetings.

When the minister is present, every meeting shall be opened and closed with prayer. The secretary shall read the proceedings of the last meeting. The president shall state the objects of the present meeting. All business brought before the Corporation, shall be by motion (in writing if required by the president,) made by one member, and seconded by another—no motion shall be considered unless it be seconded—all speeches shall be addressed to the president; he shall decide in the first instance on all questions of order, with an appeal to the meeting. No member shall, without leave, speak oftener than twice on the same motion; and all questions, to which the meeting is competent, shall be determined by a majority of the members present.

### RULE XXII.

Pew-holders  
and  
pew-rents.

Every person whose name is entered on the treasurer's books, and who holds a pew, or part of a pew, immediately of the Corpora-

tion, is a pew-holder. No pew, or part of a pew, at less rent than *nine dollars* per annum, or for a shorter period than one year, shall be held immediately of the Corporation. All pew rents shall be payable quarterly, the different quarters commencing on the first days of January, April, July, and October, in every year—and three months' previous written notice of the resignation of a pew, or part of a pew, shall be given to the treasurer.

### RULE XXIII.

When the rent of a pew, or part of a pew, remains unpaid for one year, no person claiming through that pew, or part of a pew, shall be competent to speak or vote in the deliberations of the Corporation, until the rent be paid; and upon failure of payment for three months longer than one year, the person holding that pew, or part of a pew, shall forfeit the same, and be suspended from all the rights and privileges of a pew-holder.

Suspension of corporate privileges, and forfeiture of pews.

### RULE XXIV.

Every pew-holder, and none but a pew-holder, shall be entitled, agreeably to the plan of the church-yard, to a burial place of eight feet square for the use of only his or her family and relations, being members of his or her household, upon payment of the sexton's fees

Burial place belonging to pew-holders.

for each interment. Pew-holders shall mark with corner-stones the square assigned them by the standing committee, within the period of six months from the date of the allotment. And should they use the whole square assigned them, they shall pay twenty dollars to the funds of the Corporation, besides the usual fees to the sexton, for permission to open ground in another square; and this square shall also be assigned by the standing committee.

### RULE XXV.

Burial-fees  
payable by  
pew-hold-  
ers.

Pew-holders, to whom a square has been assigned, shall pay for each interment, to the sexton of the church, the sum of five dollars, exclusive of charges for the hearse and the fee of the organist. If the organist is engaged, he shall receive as his fee three dollars for each interment.

### RULE XXVI.

Burial of  
persons not  
pew hold-  
ers.

All persons not pew-holders, upon leave obtained from the standing committee of the Corporation, and the payment of twenty dollars to the funds of the Corporation, and five dollars to the sexton for each interment, exclusive of charges for hearse and fee of organist, may bury their dead in this church-yard. Children under twelve years of age of persons not pew-holders, upon leave obtained from the

standing committee, and the payment of ten dollars for each interment to the funds of the Corporation, and five dollars to the sexton, which shall be exclusive of charges for hearse and the fee of the organist, may be buried in this church-yard.

### RULE XXVII.

Poor persons who have been members of the church, may, at the discretion of the session, occupy appropriate seats in the church, and be entitled to sepulture free of expense, the session paying the sexton's fee and necessary expenses out of its own funds.

Burial of  
the poor.

### RULE XXVIII.

No burial-place or square assigned to a pew-holder or pew-holders shall be enclosed.

Burial  
places and  
monu-  
ments.

Head-stones, monuments, and pillars, may be erected in the church-yard under the following restrictions:—

1. That no monument of any kind whatever shall encroach on the square or squares adjoining.

2. That every head-stone or monument, of what kind soever, shall be erected by the permission and under the control of the standing committee of the Corporation.



3. That the party or parties erecting monuments or head-stones of any description, in memory of persons not pew-holders, shall pay to the funds of the Corporation the sum of thirty dollars for each monument erected.

4. Pew-holders, and their family and relations, shall be allowed to erect monuments upon leave obtained from the standing committee, and upon the payment for each monument so erected of twenty dollars to the funds of the Corporation. And if the party or parties erecting the monument, shall cover more than the space of one grave, or of the usual sized slab, the charge payable to the funds of the church shall be forty dollars.

The sexton's fee for superintending the erection of monuments and head-stones, &c., when attendance is given at the church-yard, shall be two dollars.

## RULE XXIX.

Monu-  
ments with-  
in the  
church.

Monuments and tablets may be erected within the church on leave obtained from the Corporation, and under the control of the session of the church and standing committee; and a party or parties so erecting monuments within the church, shall pay for each monument the sum of fifty dollars.

## RATIFICATION.

The foregoing rules, from Rule I. to Rule XXIX. inclusive, were duly read and established as the By-Laws of the Presbyterian Church of the City of Charleston, at a regular meeting of the Corporation, held on the 10th day of July, 1838.

(Signed)

P. POCHER, M. D., *President.*

# CONTENTS.

|                                                                      | PAGE       |
|----------------------------------------------------------------------|------------|
| Act of Incorporation, . . . . .                                      | 3          |
| By-Laws—Preamble, . . . . .                                          | 7          |
| Members of the Corporation, . . . . .                                | <i>ib.</i> |
| Members of the Church, . . . . .                                     | 8          |
| Sons of Members of the Church, . . . . .                             | <i>ib.</i> |
| Ministers, . . . . .                                                 | <i>ib.</i> |
| Record, . . . . .                                                    | 9          |
| Elders, . . . . .                                                    | <i>ib.</i> |
| Session, . . . . .                                                   | 10         |
| Ecclesiastical Duties of Session, . . . . .                          | <i>ib.</i> |
| Session Fund, . . . . .                                              | 11         |
| Session Treasurer, . . . . .                                         | 12         |
| Session Secretary, . . . . .                                         | <i>ib.</i> |
| Regular Meetings and Appointment of Corporate Officers, . . . . .    | <i>ib.</i> |
| Extra Meetings, . . . . .                                            | 13         |
| President, . . . . .                                                 | <i>ib.</i> |
| Treasurer of the Corporation, . . . . .                              | <i>ib.</i> |
| Secretary, . . . . .                                                 | 15         |
| Sexton, his duty, . . . . .                                          | 16         |
| Standing Committee, . . . . .                                        | <i>ib.</i> |
| Committee of Accounts, . . . . .                                     | 17         |
| What shall constitute a Meeting, . . . . .                           | <i>ib.</i> |
| Order of Meetings, . . . . .                                         | 18         |
| Pew-holders and Pew-rents, . . . . .                                 | <i>ib.</i> |
| Suspension of Corporate Privileges and Forfeiture of Pews, . . . . . | 19         |
| Burial Place belonging to Pew-holders, . . . . .                     | <i>ib.</i> |
| Burial Fees payable by Pew-holders, . . . . .                        | 20         |
| Burial of Persons not Pew-holders, . . . . .                         | <i>ib.</i> |
| Burial of the Poor, . . . . .                                        | 21         |
| Burial Places and Monuments, . . . . .                               | <i>ib.</i> |
| Monuments within the Church, . . . . .                               | 22         |
| Ratification, . . . . .                                              | <i>ib.</i> |